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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/853,243	05/11/2001	Joerg Haehle	12758-029001/2000P01895US	5976
26161	7590	04/07/2006	EXAMINER	
FISH & RICHARDSON PC P.O. BOX 1022 MINNEAPOLIS, MN 55440-1022			OYEBISI, OJO O	
			ART UNIT	PAPER NUMBER
			3628	
DATE MAILED: 04/07/2006				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/853,243	HAEHLE, JOERG	
	Examiner	Art Unit	
	OJO O. OYEBISI	3628	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 5/8/04.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 May 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4/19/04</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure is objected to because the form and legal phraseology often used in patent claims i.e., "means" is included in the abstract of the disclosure (i.e., "recording means", see abstract). Correction is required. See MPEP § 608.01(b). Applicant is reminded of the proper language and format for an abstract of the disclosure. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided.

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

- (i) It does not identify the city and either state or foreign country of residence of each inventor. The residence information may be provided on either an application data sheet or supplemental oath or declaration.
- (ii) Non-initialed and/or non-dated alterations have been made to the oath or declaration. See 37 CFR 1.52(c).

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-4, 8-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Barber et al (Barber hereinafter, US PAT: 6,088,435).

**Re claim 1.** Barber discloses a brokering facility for recording and outputting tender information via a voice communication network, the brokering facility comprising: recording means for recording, under voice menu control, tender information from tenderers (i.e., subscribers) calling via the voice communication network (i.e., record subscriber message, see fig.6 element 120, see col.4, lines 40-60, also see col.1, lines 42-45); a database for storing recorded tender information (i.e., telephone message stored in a database, see abstract); requesting means for parties calling (i.e., requesting subscriber, see abstract) via the voice communication network to request (see abstract), under voice menu control (see col.4, lines 40-45), tender information stored in the database (i.e., telephone message stored in a database, see abstract), the tender information being available to various parties (see abstract); and outputting means for outputting the requested tender information to a requesting party (see fig.6 element 124) (see abstract and the summary of invention).

**Re claim 2.** Barber further discloses the brokering facility of claim 1, comprising: a voice menu control device for requesting, under voice menu control, control information from a tenderer and/or a party calling via the voice communication network (see col.4, lines 25-45).

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**Re claim 3.** Barber further discloses the brokering facility of claim 2, wherein the recording means and/or the requesting means comprises selecting means (i.e., multi level menu selection/arrangement, see col.4 lines 26-30) for selecting an item of tender information based on an item of selection information contained in requested control information (see col.4 lines 25-45).

**Re claim 4.** Barber further discloses the brokering facility of claim 2 or 3, wherein the tender information comprises different tender categories in the database, and wherein the recording means and/or the requesting means comprise selecting means for selecting a tender category based on selection information contained in requested control information (see col.4, lines 25-45).

**Re claim 8.** Barber further discloses the brokering facility of claim 1, further comprising: authentication means for verifying an item of authentication information that is entered by a calling tenderer and for granting access authorization to the tenderer if the authentication information is verified (see fig.3)

**Re claim 9.** Barber further discloses the brokering facility of claim 1, further comprising: detecting means for detecting connection identification information from callers (i.e., a party seeking information is automatically connected...., see abstract), and a database in which an item of connection identification information from a caller has an associated individual item of user profile information (i.e., subscriber specifies topic/or profile, see fig.4 element 96).

**Re claim 10.** Barber further discloses the brokering facility of claim 9, wherein the recording means records, under voice menu control, tender information based on stored

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user profile information associated with a detected item of connection identification information from a tenderer (i.e., record subscriber message, see fig.6 element 120, also see abstract).

**Re claim 11.** Barber further discloses the brokering facility of claim 9 or 10, wherein the requesting means requests, under voice menu control, tender information on the basis of stored user profile information associated with a detected item of connection identification information from a party (see col.4, lines 35-60).

**Re claim 12.** Barber further discloses the brokering facility of claim 1, further comprising: a switching device for setting up a connection between a party and a tenderer of an item of tender information selected by the party (see fig.1 elements 16, 22, 24, 26 18, 20, and 34).

**Re claim 13.** Barber further discloses the brokering facility of claim 1, further comprising: logging means for logging access operations to tender information from a tenderer and for outputting logged access information to the tenderer (see fig.3).

**Re claim 14.** Barber further discloses the brokering facility of claim 1, further comprising: by debiting means for detecting access operations to the brokering facility and for debiting charges for individual tenderers (i.e., subscribers) and/or interested parties (i.e., requesting subscribers) based on detected access operation (i.e., billing the subscribers for calls, see col.3, lines 40-60).

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5-7, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barber in view of Diaz et al (Diaz hereinafter, US PAT: 6,356,822).

**Re claim 5.** Barber does not explicitly disclose the brokering facility of claim 1 further comprising: means for detecting a location of a caller and for controlling the brokering facility based on a detected location of the caller. However, Diaz discloses means for detecting a location of a caller and for controlling the brokering facility based on a detected location of the caller (i.e., At the drivers active request or upon regular intervals, the ECCC will provide routing information to the enrolled vehicles. The ECCC will have a running fix of the enrolled vehicles' locations. The routing information will allow the drivers of the vehicle platforms to choose and use the most efficient routes to transit. Prior art routing information included the best path based upon the shortest distance. Of course the shortest mileage is not necessarily the most efficient route. The ECCC will also have a geographic fix of devices and locations pertinent to the business and its needs. The ECCC upon sensing the uplinked location of the vehicle platforms will analyze the location of the vehicle. The ECCC will then collect input traffic information throughout the NAFTA countries (or other contiguous geographic regions) from Department of Transportation (DOT) repeaters (or

international equivalent service), weather information from the National Weather Service (or international equivalent service) and other route effecting information from news services such as civil unrest or labor strife, as well as the shortest distance routing information. The traffic condition ECCC will then provide a cohesive route plan through electronic downlinking to the enrolled vehicle platforms with automatic updates upon the changing of the input information, see col.3, lines 25-55). Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Diaz into Barber to provide the most ideal and effective route to the user in case of emergency. Further, official notice is taken that it is old and well known in satellites navigation art to detect/pinpoint the location/position of callers to at least 10 metres. Global Positioning System (GPS), spaced-based radio-navigation system, consisting of 24 satellites and ground support. GPS provides users with accurate information about their position and velocity, as well as the time, anywhere in the world and in all weather conditions. Thus, it would have been obvious to one of ordinary skill in the art to incorporate what is old and well known the art into Barber to provide users with accurate and effective route information during emergency.

**Re claim 6.** Barber discloses the brokering facility of claim 5, wherein the recording means records, under voice menu control, tender information from a tenderer (i.e., record subscriber message, see fig.6 element 120), but not based on a detected location of the tenderer. Daiz does not explicitly disclose the recording means records, under voice menu control, tender information from a tenderer based on detected location of the tenderer. However, if it is desired to record tender information from



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tenderer based on the detected location of the tenderer, one of ordinary skill in the art would have been motivated to incorporate the old and well known GPS system described supra into Barber to achieve this because this would users with accurate and effective route information during emergency.

**Re claim 7.** Barber discloses the brokering facility of claim 5 or 6, wherein the requesting means requests, under voice menu control, tender information (i.e., record subscriber message, see fig.6 element 120), but not based on a detected location of the interested party. Diaz makes this disclosure (i.e., At the drivers active request or upon regular intervals, the ECCC will provide routing information to the enrolled vehicles. The ECCC will have a running fix of the enrolled vehicles' locations. The routing information will allow the drivers of the vehicle platforms to choose and use the most efficient routes to transit.... The ECCC upon sensing the uplinked location of the vehicle platforms will analyze the location of the vehicle, see col.3, lines 25-55). Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Diaz into Barber to provide the most ideal and effective route to the user in case of emergency. Further, if it is desired to record tender information based on the detected location of the interested party, one of ordinary skill in the art would have been motivated to incorporate the old and well known GPS system described supra into Barber to achieve this because this would users with accurate and effective route information during emergency.

**Re claim 15.** Barber further discloses a brokering system comprising: a plurality of brokering facilities according to claim 1, each brokering facility further comprising: a

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switching device for setting up a connection between the caller and a one of the brokering facilities (see fig.1 elements 16, 22, 24, 26 18, 20, and 34). Barber does not explicitly disclose brokering facility comprising: means for detecting a location of a caller. However, Diaz discloses means for detecting a location of a caller (i.e., At the drivers active request or upon regular intervals, the ECCC will provide routing information to the enrolled vehicles. The ECCC will have a running fix of the enrolled vehicles' locations. The routing information will allow the drivers of the vehicle platforms to choose and use the most efficient routes to transit. Prior art routing information included the best path based upon the shortest distance. Of course the shortest mileage is not necessarily the most efficient route. The ECCC will also have a geographic fix of devices and locations pertinent to the business and its needs. The ECCC upon sensing the uplinked location of the vehicle platforms will analyze the location of the vehicle. The ECCC will then collect input traffic information throughout the NAFTA countries (or other contiguous geographic regions) from Department of Transportation (DOT) repeaters (or international equivalent service), weather information from the National Weather Service (or international equivalent service) and other route effecting information from news services such as civil unrest or labor strife, as well as the shortest distance routing information. The traffic condition ECCC will then provide a cohesive route plan through electronic downlinking to the enrolled vehicle platforms with automatic updates upon the changing of the input information, see col.3, lines 25-55). Thus, it would have been obvious to one of ordinary skill in the art to incorporate the teaching of Diaz into Barber to provide the most ideal and

effective route to the user in case of emergency. Further, official notice is taken that it is old and well known in satellites navigation art to detect/pinpoint the location/position of callers to at least 10 metres. Global Positioning System (GPS), spaced-based radio-navigation system, consisting of 24 satellites and ground support. GPS provides users with accurate information about their position and velocity, as well as the time, anywhere in the world and in all weather conditions. Thus, it would have been obvious to one of ordinary skill in the art to incorporate what is old and well known the art into Barber to provide users with accurate and effective route information during emergency.

### **Conclusion**

***A prior art of record, Csaszar et al (US PAT:5,970,124), cited but not relied upon is found pertinent to the present application in following way: Csaszar discloses an Interactive voice response (IVR) systems/answering machines that can interact with a caller and provide information 24 hours a day. Interactive voice response systems have found particular favor with large corporations that engage in large numbers of telephone transactions that involve disseminating essentially the same types of information to each caller. These systems can be updated frequently and automatically.***

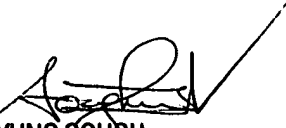
Any inquiry concerning this communication or earlier communications from the examiner should be directed to OJO O. OYEBISI whose telephone number is (571) 272-8298. The examiner can normally be reached on 8:30A.M-5:30P.M.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, HYUNG S. SOUGH can be reached on (571)272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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HYUNG SOUGH  
SUPERVISORY PATENT EXAMINER  
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